

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

**THE REYNOLDS AND REYNOLDS  
COMPANY, ET AL.**

**Plaintiffs**

**v.**

**CHARLOTTE IMPORT CARS, INC.**

**Defendant.**

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**MISC. CASE NO.**

**PLAINTIFFS' MOTION TO COMPEL EUGENIA COLLINS ALLEN  
TO RESPOND TO SUBPOENA**

NOW COME the Plaintiffs Reyna Capital Corporation and The Reynolds and Reynolds Company (hereinafter referred to as "Plaintiffs") and hereby respectfully move the Court for entry of an Order compelling Eugenia Collins Allen to respond to a post-judgment subpoena issued by the Plaintiffs in the matter of *The Reynolds and Reynolds Company, et al. v Charlotte Import Cards, Inc.* (MISC CASE NO.: 3:23-CV-401-MOC-DCK). In support of the Motion, Plaintiffs respectfully show to the Court as follows:

1. On January 23, 2024, counsel for the Plaintiffs issued a post-judgment Subpoena to Eugenia Collins Allen for the production of documents, records, and things in her possession, custody, or control described within the subpoena. A true and correct copy of the subpoena is attached hereto as **Exhibit A**.

2. The subpoena commanded the production of certain documents by February 23, 2024, including the following:

Factory standard financial statements for Charlotte Import Cars, Inc. for the last five (5) years.

Federal income tax returns for Charlotte Import Cars, Inc. for the last five (5) years, with schedules and attachments.

State income tax returns for Charlotte Import Cars, Inc. for the last five (5) years, with schedules and attachments.

State franchise tax returns for Charlotte Import Cars, Inc. for the last five (5) years, with schedules and attachments.

Statements of profit and loss for Charlotte Import Cars, Inc. for the last five (5) years, with supporting schedules and attachments.

Balance sheets for Charlotte Import Cars, Inc. for the last five (5) years, with supporting schedules and attachments.

Statements of cash flow for Charlotte Import Cars, Inc. for the last five (5) years with supporting schedules and attachments.

Bank account statements for Charlotte Import Cars, Inc. for the last five (5) years.

Account statements from any financial institution for Charlotte Import Cars, Inc. for the last five (5) years.

All documents that in any way refer to, pertain to, or concern any books, records, or other memoranda of business or financial activities, status, or income for Charlotte Import Cars, Inc. in the last five (5) years.

All documents (including drafts) that in any way refer to, pertain to, or concern the sale of assets or stock of Charlotte Import Cars, Inc. including but not limited to the following:

correspondence

memoranda

notes of oral conversations

electronic communications (including e-mail and voicemail)

offers

proposals

letters of intent

corporate minutes and resolutions

schedules of assets and/or liabilities

contracts

bill of sales

buy/sell agreements

closing documents

non-competition agreements

consulting agreements

escrow agreements

checks

promissory notes

any other documents that in any way relate to such sale

All documents that in any way refer to, pertain to, or concern automobiles, boats, or aircraft owned by Charlotte Import Cars, Inc., either in whole or in part, directly or indirectly, within the last five (5) years.

All documents that in any way refer to, pertain to, or concern real property owned by Charlotte Import Cars, Inc. either in whole, directly or indirectly, or in part within the last five (5) years.

All documents that in any way refer to, pertain to, or concern securities owned by Charlotte Import Cars, Inc. either in whole or in part, directly or indirectly, within the last five (5) years.

All documents that in any way refer to, pertain to, or concern property owned by Charlotte Import Cars, Inc. either in whole or in part, directly or indirectly, within the last five (5) years.

All documents that in any way refer to, pertain to, or concern accounts receivable owed to Charlotte Import Cars, Inc., either in whole or in part.

All documents that in any way refer to, pertain to, or concern promissory notes executed by Charlotte Import Cars, Inc. within the last five (5) years.

All documents that in any way refer to, pertain to, or concern promissory notes payable to Charlotte Import Cars, Inc.

All documents that in any way refer to, pertain to, or concern insurance policies in which Charlotte Import Cars, Inc. held a beneficial interest, directly or indirectly.

All documents that in any way refer to, pertain to, or concern any subsidiary corporations, limited partnerships, limited liability companies, trusts, estates, or any other business entities in which Charlotte Import Cars, Inc. held an ownership interest, directly or indirectly, in the last five (5) years.

All documents that in anyway refer to, pertain to, or concern any parent corporations, limited partnerships, limited liability companies, trusts, estates, or any other business entities that have held an ownership interest in Charlotte Import Cars, Inc., directly or indirectly, in the last five (5) years.

All factoring agreements Charlotte Import Cars, Inc. has entered into (as a lender or borrower) within the last five (5) years.

All documents that in any way refer to, pertain to, or concern title to any property owned by Charlotte Import Cars, Inc. directly or indirectly in the last five (5) years.

All documents that in any way refer to, pertain to, or concern any Certified Public Accountant used by Charlotte Import Cars, Inc. in the last five (5) years, including but not limited to correspondence, memoranda, notes of oral conversations, retainer agreements, fee agreements, invoices, receipts, remittances, electronic communications (e-mail and voice mail) and all documents provided to a Certified Public Accountant or received from a Certified Public Accountant.

All documents that in any way refer to, pertain to, or concern any income received by Charlotte Import Cars, Inc. in the last five (5) years.

Articles of incorporation and all amendments thereto for Charlotte Import Cars, Inc.

By-laws and all amendments thereto for Charlotte Import Cars, Inc.

Corporate minutes for the last five (5) years for Charlotte Import Cars, Inc.

Articles of dissolution for Charlotte Import Cars, Inc.

All contracts and agreements in which Charlotte Import Cars, Inc. has or had a beneficial interest, including but not limited to indemnity agreements.

All contracts or agreements that Charlotte Import Cars, Inc. entered in the last five (5) years.

All releases that Charlotte Import Cars, Inc. entered into in the last five (5) years.

All documents that in any way refer to, pertain to, or concern the creation of liens against property owned by Charlotte Import Cars, Inc., in whole or in part, within the last five (5) years.

All documents that in any way refer to, pertain to, or concern the transfer of any monies, assets, or properties to any officer, director, partner, manager, or affiliate of Charlotte Import Cars, Inc. within the last five (5) years.

All documents that refer to, pertain to, or concern the resignation or assignment of your franchise agreement with Volvo Cars USA, including but not limited to agreements, correspondence, memoranda, notes of oral conversations, and electronic communications (email and voice mail).

Your most current resume.

3. The subpoena was served on Eugenia Collins Allen, on April 12, 2024, via civil process server. See Proof of Service attached hereto as **Exhibit B.**

4. As of the date of the filing of this motion, counsel for the Plaintiffs have not received a response to the subpoena, an objection to the subpoena, a request for an extension of time to respond to the subpoena, or any other communications from Eugenia Collins Allen.

5. Plaintiffs are informed and believe that the documents and information sought in the subpoena are relevant to this lawsuit and are reasonably calculated to lead to the discovery of relevant evidence, that the information is not subject to any privilege or claim of work product, and that the information and documents are, upon information and belief, within the knowledge, custody, control, and/or possession of Eugenia Collins Allen.

WHEREFORE, Plaintiffs respectfully request the Court issue an Order compelling Eugenia Collins Allen to respond to the subpoena issued by the Plaintiffs, and for an assessment

of costs against Eugenia Collins Allen, including those attorney's fees and costs incurred as a result of Eugenia Collins Allen's failure to comply with the Federal Carolina Rules of Civil Procedure.

This the 15th day of November, 2024.

s/C. Fredric Marcinak  
C. Fredric Marcinak (NC Bar #38331)  
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*Attorney for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing document upon all parties to this matter by United States First Class Mail, postage prepaid, as follows:

Eugenia Collins Allen  
667 Bird Island Road  
Awendaw, SC 29429

This 15th day of November, 2024.

s/C. Fredric Marcinak  
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*Attorney for Plaintiffs*